

AMENDED IN SENATE SEPTEMBER 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 473**

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**Introduced by Assembly Member Blumenfield**

February 24, 2009

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An act to add Section 42913 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 473, as amended, Blumenfield. Solid waste: *recycling*: multifamily dwellings.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires a local jurisdiction to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

This bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on and after July 1, 2010, to arrange for recycling services that are appropriate *and available* for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, *except as provided*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 42913 is added to the Public Resources Code, to read:

42913. (a) On and after July 1, 2010, an owner of a multifamily dwelling shall arrange for recycling services that are appropriate *and available* for the multifamily dwelling, consistent with state or local law or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

(b) For the purposes of this section, “multifamily dwelling” means a residential facility that consists of five or more living units.

(c) *An owner of a multifamily dwelling is not required to arrange for recycling services pursuant to this section if any of the following apply:*

(1) (A) *There is inadequate space for recycling containers, as certified by a solid waste enterprise that would otherwise serve the multifamily dwelling.*

(B) *The certification required pursuant to subparagraph (A) shall be valid for no more than five years after the date of certification and shall include all of the following:*

(i) *Address of the multifamily dwelling.*

(ii) *Name, address, telephone number, and e-mail address of the multifamily dwelling owner.*

(iii) *Name, address, telephone number, business license number, and e-mail address of the solid waste enterprise making the required certification.*

(iv) *Date of certification.*

(v) *Name and title of the person making the certification.*

(C) *This paragraph shall not apply to a multifamily dwelling for which a building permit is required on or after September 1, 1994.*

(2) *No solid waste enterprise providing recycling services serves the property.*

(3) *The cost of recycling services creates a financial hardship for the multifamily dwelling owner. For purposes of this paragraph, a multifamily dwelling owner can claim a financial hardship only if the recycling services result in a cost increase of 30 percent or more over the cost of providing solid waste services alone. A claim*

- 1 *of financial hardship shall be valid for no more than five years*  
2 *after the date of the claim and shall include all of the following:*  
3 *(A) Address of the multifamily dwelling.*  
4 *(B) Name, address, telephone number, and e-mail address of*  
5 *the multifamily dwelling owner.*  
6 *(C) Name, address, phone number, business license number,*  
7 *and e-mail address of the solid waste enterprise that provided the*  
8 *information on which the claim is made.*  
9 *(D) Date of claim.*  
10 *(E) Name and title of the person making the claim.*  
11 *(d) Nothing in this section is intended to interfere with or prevent*  
12 *the authority of a local jurisdiction from requiring recycling*  
13 *services for multifamily dwellings.*